

EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Director-General

Brussels, CONNECT/RV/

By registered letter with acknowledgment of receipt

Quentin Ariès POLITICO EUROPE Rue de la Loi, 62 1040 Brussels

Advance copy by email: qaries@politico.eu

Subject: Your application for access to documents – Ref GestDem No 2016/6584

Dear Sir.

We refer to your request dated 22/11/2016 in which you make a request for access to documents, registered on 22/11/2016 under the above mentioned reference number.

You request access to "all interactions between Günther Oettinger and Klaus Mangold from 9 February 2010 to 1 November 2015. Interactions in this text include meetings lists and emails and postal correspondences. It should also include common trips and travels."

In response to your request, we have identified the following documents:

- 1. Letter from Prof. Dr. Klaus Mangold to Commissioner Günther Oettinger on 30/11/2010 (our ref. Ares(2010)883746).
- 2. Letter from Commissioner Günther Oettinger to Prof. Dr. Klaus Mangold, on 10/03/2011 (our ref. Ares(2011)270942).
- 3. Email from Prof. Dr. Klaus Mangold to Commissioner Günther Oettinger on 08/10/2012 (our ref. Ares(2012)1181932).
- 4. Email from Prof. Dr. Klaus Mangold to the Cabinet Oettinger on 22/05/2013 (our ref. Ares(2013)1283664).
- 5. Email from Prof. Dr. Klaus Mangold to the Cabinet Oettinger on 03/02/2014 (our ref. Ares(2014)266909).
- 6. Email from Prof. Dr. Klaus Mangold to Commissioner Günther Oettinger on 12/03/2014 (our ref. Ares(2014)713753).
- 7. Email from Prof. Dr. Klaus Mangold to Commissioner Günther Oettinger on 20/05/2014 (our ref. Ares(2014)1744230).
- 8. Letter from Commissioner Günther Oettinger to Prof. Dr. Klaus Mangold on 29/04/2015 (our ref. Ares(2015)1830019).

- 9. Letter from Commissioner Günther Oettinger to Prof. Dr. Klaus Mangold on 25/06/2015 (our ref. Ares(2015)2669510).
- 10. Prof. Dr. Klaus Mangold's reply to the letter ref. Ares(2015)2669510, on 01/07/2015 (our ref. Ares(2015)2830148).

These documents fall into the following two categories:

- 1. those originating with the European Commission (documents 2,8 and 9) and
- 2. those originating with third parties (documents 1,3,4,5,6,7 and 10).

The documents originating from the Commission (documents 2,8 and 9) contain personal data.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001 (hereinafter "Regulation 1049/2001"), access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (hereinafter "Regulation 45/2001")¹

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned.

Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position. The procedure to lodge such a confirmatory application is laid down in the last paragraph of this letter.

As far as documents 1,3,4,5,6,7 and 10 are concerned, they originate from a third party and the originator of the documents has been consulted pursuant Article 4(4) of Regulation 1049/2001.

The author of the documents has objected to disclosure of the documents that he sent to the Commission and has motivated his position under the terms of Article 4(2) of Regulation

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

1049/2001, with regard to their potential to undermine the protection of commercial interests.

Following an examination of these documents under the provisions of Regulation 1049/2001 and taking into account the opinion of the third party, I regret to inform you that public access to these documents cannot be granted, as their disclosure is prevented by the exception to the right of access laid down in the first indent of Article 4(2) of this Regulation.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission Secretary-General Transparency unit SG-B-4 BERL 5/282 B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Director-General

Annex:

Documents No 2, 8 and 9

GÜNTHER H. OETTINGER MITGLIED DER EUROPÄISCHEN KOMMISSION

Brüssel, den 10. 03 2011

Herrn Prof. Dr. Klaus Mangold

Betreff:

Treffen in Stuttgart am 5. März 2011

Sehr geehrter Herr Professor Dr. Mangold,

herzlichen Dank für ihre exzellente Unterstützung bei der Vorbereitung und Durchführung des gemeinsamen Besuchsprogramms mit hochrangigen Vertretern der Gazprom anlässlich des Fußballspiels "VfB Stuttgart - FC Schalke 04"!

Es freut mich, dass wir die Gelegenheit für einen intensiven und nützlichen Gedankenaustausch mit den russischen Gästen in lockerer Atmosphäre so erfolgreich nutzten konnten.

In der Hoffnung auf weitere interessante Begegnungen verbleibe ich

mit freundlichen Grüßen